

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MICHAEL GUIBILO,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Civil No.: 10-4748 (JLL)

NOTICE AND ORDER

TO: Michael Guibilo
Inmate No. 07391-050
Devens Federal Medical Center
P.O. Box 879
Ayer, MA 01432

Michael G. Paul, Esq.
One Highland Avenue
Metuchen, NJ 08840

You have filed a pleading under 28 U.S.C. § 2255 challenging your federal incarceration arising from a judgment in the United States District Court for the District of New Jersey.

Pursuant to the decision of the Court of Appeals for the Third Circuit in United States v. Miller, 197 F.3d 644 (3d Cir. 1999), this is to advise you that under federal law, a person seeking relief in federal court from confinement resulting from conviction and imposition of sentence must include in a single petition filed in the court of conviction, under 28 U.S.C. § 2255, all potential claims for which he or she desires to seek review and relief, because a second or successive habeas petition under § 2255 must be dismissed unless certain very specific and rare circumstances exist. See 28 U.S.C. § 2255(h).

Please note that at this time, you have the following options:

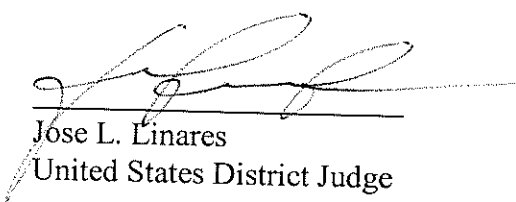
1. You may have your pleading ruled upon as filed;
2. You may request that your pleading be re-characterized as a § 2255 petition and heard

as such, if your motion is not already styled as such; or

3. You may withdraw your pleading and file an all-inclusive § 2255 Petition subject to the one-year period described by the Antiterrorism and Effective Death Penalty Act (AEDPA) in 28 U.S.C. § 2255.

IT IS therefore on this 20 day of September, 2010,

ORDERED that you have 45 days from the date of entry of this Notice and Order within which to advise the Court as to your decision. If you fail to notify the Court, your pleading will be ruled upon as filed.



Jose L. Linares
United States District Judge